

13 June 1952

314

OGC HAS REVIEWED.

MEMORANDUM FOR THE RECORD

SUBJECT: Status of Trainee Personnel — *as to compensation for overtime.*

1. In an effort to develop a general background with respect to the status of employees undergoing training in other government departments, contact was had with

Dr. Kenneth Bute (Extension 2009)  
Training Division  
Veterans Administration

(Dr. Bute stated that the Department of the Navy has one of the most comprehensive training programs covering all fields, and he therefore suggested that I contact the following people who were stated by him to be well-informed on the subject.)

Mrs. June Maher (Ext. 54829)  
Assistant to the Director of Training  
Office of Industrial Research  
Department of the Navy

Dr. Keith C. Harder (Ext. 64066)  
Civilian Personnel Division  
Office of Naval Research  
Department of the Navy

Mr. N. Stewart (Ext. 66612)  
Industrial Relations and Manpower Division  
Bureau of Ships  
Department of the Navy

2. Dr. Bute stated that although the Veterans Administration has some fairly extensive in-service training programs, with the exception of the Department of Medicine and Surgery, such training is all done during working hours. He stated that Medicine and Surgery trained their doctors, nurses and technicians by sending them outside the department for courses of training. A doctor, for example, assigned

*File with Subject 604*  
*of 1 Aug 52 (see para 6a)*  
Approved For Release 2002/09/03 : CIA-RDP57-00384R000100120026-2  
*to Director of Training — JEP*

for post graduate medical training, is placed on administrative leave, given a straight salary, travel and per diem where indicated, but in no event is he given overtime pay. Dr. Bute stated that in his experience, which includes extensive contact with other government departments, he has known of no case in which an employee has been paid anything more than his regular salary for full time attendance at a school.

3. Mrs. Maher stated that every effort is made by the Navy to give training during working hours but that, obviously, this is not possible in all cases. She referred to certain sections of the Navy Civilian Personnel Instructions and referred particularly to NCPI 230.6-3 and 4 with respect to payment of salary, per diem and travel expenses, to the effect that when an individual is given full time detail to an educational institution for instruction or training, the Navy may pay salary, tuition, per diem and travel; that where tuition is paid by the Navy, the employee must state in writing that he agrees to remain in that type of work in the Navy for a minimum period, depending on the length of training.

(Mr. Stewart stated that the Comptroller General had held this provision to be unenforceable but that as a matter of fact, as a moral obligation it is very effective.) In addition, certain criteria are set up which must be met prior to approval of payment of tuition by the Navy, i.e., ability of employee to assimilate instruction, need for the training, *etc.* Attention was also invited to NCPI 230.13-5 in which it is stated that the general policy of the Navy is that where courses in which the Naval activity requires the employee to participate for official purposes to increase his competence, irrespective of personal benefit to the employee,

such courses may be taken wholly on official working time. Further, that courses which the employee requests and which benefit the Naval activity may be taken half on official working time and half on the employee's time, normally not to exceed four hours per week of official time.

4. With respect to the question of an employee who is detailed to an institution which observes a particular state holdiday (not a Federal holiday), both Mrs. Maher and Mr. Stewart advised that it was not customary to penalize the employee <sup>in salary</sup> merely because school was not held that day, but that rather the course of training was looked upon as a packaged deal and that the end result (namely, the successful completion of the course), was the object looked to. Attention was also invited to NCFI 85.3-6c which states that in order to avoid potential claims, bureaus and offices, in recording overtime should make a distinction between overtime "ordered and approved," for which either overtime compensation or compensatory time off is due, and "voluntary overtime," which is recorded for statistical or other purposes and for which neither overtime pay or compensatory time is due. Mrs. Maher gave the impression that if training was performed outside of working hours strictly for the benefit of the agency, that overtime could be paid. Mr. Stewart, however, stated that this was not actually as easy as it sounds. He stated that such a policy of permitting overtime ~~for~~ for outside school would involve wrangling and political complications on the part of unions. As a matter of fact, he stated that overtime pay for school outside of working hours has been effected by the means of having the administrator of an activity declare the regular 40-hour work

week to be inadequate; to then establish, for example, a 48-hour work week involving, of course, an overtime payment for the extra eight hours and then to include the training as part of the overtime. He stated that this was done by the Bureau of Ships with respect to certain employees at New London, Connecticut, who were also attending Brown University. In addition, the object is to avoid making the training itself the subject of premium pay. *However, even this is used sparingly*

5. A question of whether an employee-trainee receiving instruction away from his place of work shall be on permanent or temporary detail is apparently a question of expediency in each particular case as far as the Navy is concerned. For example, Dr. Harder stated that when they sent one of their scientists to M.I.T. for a year's study, they transferred him on a permanent basis, paying for travel and transportation of household effects. However, a similar employee with a family, who is detailed for a short period of time for a course of instruction might well be assigned in a temporary status and paid per diem.

6. Mr. Stewart was asked what he would do regarding overtime, in the hypothetical case of an employee who was about to be ordered overseas, who of necessity had to work at his desk during the day and who had to be ordered to attend an intensive course in language instruction at night. He went into the matter and stated that no well-managed office would force an employee into such a position without assuring themselves that he would be fully capable of carrying the load. ~~In the case~~, For example, he would get information on the employee's home life, that is, whether ~~for the good of the family~~ he could be spared by the family, or

whether his health would permit the strain. He stated that by making use of an appeal to the ego of the individual involved (that is, the fact that the agency needs him and the benefit this training would be to himself and the agency) and by referring to possible future advancement without in any way promising promotion, that they <sup>in the navy</sup> are able in 85% to 90% of the cases to get training outside of hours accomplished without any additional compensation. He emphasized proper use of a motivating force in accomplishing this end. He further stated that an employee who couldn't be induced to undertake school or further training outside of hours, where necessary and where not too burdensome, lacked proper motivation and doubtless would be an inadequate employee who would always be seeking benefits for himself without considering the ~~office~~ <sup>Agency</sup>.

7. As a matter of fact, all of the people referred to above stated that Congress would be apt to be very critical of, or at least would inquire very strongly into, overtime payments for attendance at a school of any kind; that they would be apt to inquire why one particular person was selected over others; whether or not there was a bona fide need; whether the course itself was a part of a large internal pattern of integrated training, and whether there was to be accurate evaluation of the results. Even though the Agency might not be held accountable to Congress for funds spent in training, it is believed desirable that we comply generally with governmental administrative practice as far as possible.

8. The question of the promulgation of standards appears to be a matter strictly for the Director of Training and not for this office.

As a matter of fact, it appears to be, and was so expressed by the persons interviewed, that the whole question, aside from the question of establishing the authority of and limitations on payment for school, is one for the Professional Training Staff.

25X1A

